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11 IN THE UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JUAN BANDA,

17 Defendant.

18 CASE NO. 1:23-CR-00106-NODJ-BAM

19 STIPULATION TO VACATE STATUS
20 CONFERENCE AND SET FOR CHANGE OF PLEA

21 IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and
22 Robert L. Veneman-Hughes, Assistant U.S. Attorney and Griffin Estes, attorney for defendant Juan Banda,
23 that the status conference set for February 28, 2024 at 1:00 pm be vacated and instead a change of plea
24 hearing be set for March 11, 2024 before the District Judge.

25 **STIPULATION**

26 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
27 through defendant's counsel of record, hereby stipulate as follows:

28 1. By previous order, the matter was set for status conference on February 28, 2024 and time
was excluded under the Speedy Trial Act through that date.

29 2. By this stipulation, defendant now moves to vacate the status conference and set the
matter for change of plea on March 11, 2024 before the District Judge. This proposed change of plea
30 date represents the earliest date that all counsel are available, taking into account attorney schedules,
31 court availability, and the commitments of defense counsel to other clients.

32 3. The parties agree and stipulate, and request that the Court find the following:

1 a) Discovery in this case has been provided, and consists of multiple reports, videos,
2 and expert reports. All of this discovery has been either produced directly to counsel and/or made
3 available for inspection and copying.

4 b) Counsel for the defendants believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 c) The government does not object to the continuance.

8 d) Based on the above-stated findings, the ends of justice served by continuing the case
9 as requested outweigh the interest of the public and the defendant in a trial within the original date
10 prescribed by the Speedy Trial Act.

11 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
12 seq., within which trial must commence, the time period of February 28, 2024 to March 11, 2024,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a
14 continuance granted by the Court at defendant's request on the basis of the Court's finding that the
15 ends of justice served by taking such action outweigh the best interest of the public and the defendant
16 in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20
21 Dated: February 21, 2024

Respectfully submitted,

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23 PHILLIP A. TALBERT
United States Attorney

24 By /s/ Robert L. Veneman-Hughes
25 ROBERT L. VENEMAN-HUGHES
26 Assistant United States Attorney

27 Dated: February 21, 2024

/s/ Griffin Estes
28 GRIFFIN ESTES
Attorney for Juan BANDA

ORDER

IT IS SO ORDERED that the status conference set for February 28, 2024, is vacated. A change of plea hearing is set for **March 11, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: February 22, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE